

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NANOCO TECHNOLOGIES LTD.,

Plaintiff,

V.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

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CIVIL ACTION NO. 2:20-CV-00038-JRG

ORDER

Before the Court are the following documents filed by Plaintiff Nanoco Technologies Ltd. (“Nanoco”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (together, “Samsung”):

1. Plaintiff's Unopposed Motion to Dismiss Under Rule 41 and Rule 12 (the "Motion to Dismiss") (Dkt. No. 229), and
2. Nanoco and Samsung's Joint Notice of Mooted Motions (the "Notice") (Dkt. No. 223).

In the Motion to Dismiss, Nanoco informs the Court that it voluntarily withdrew all of its previously asserted claims with respect to U.S. Patent Nos. 9,680,068 (the “’068 Patent”) and 7,867,557 (the “’557 Patent”). Accordingly, Nanoco moves under Rule 41(a)(2) to dismiss without prejudice Count III (Infringement of the ’557 Patent) and Count V (Infringement of the ’068 Patent) of its complaint. Nanoco also moves under Rule 12(b)(1) to dismiss Samsung’s associated counterclaims related to those two patents: Samsung’s Fifth Counterclaim (Non-infringement of the ’557 Patent), Sixth Counterclaim (Invalidity of the ’557 Patent), Ninth Counterclaim (Non-infringement of the ’068 Patent), and Tenth Counterclaim (Invalidity of the ’068 Patent).

(*See* Dkt. No. 21 at 19–20, 21–22). Nanoco notes that Samsung does not oppose the Motion to Dismiss.


Having considered the Motion to Dismiss, and noting that it is unopposed, the Court finds that it should be and hereby is **GRANTED**. Accordingly, the Court **ORDERS** that Count III of Nanoco’s Complaint of Infringement of the ’557 Patent and Count V of Nanoco’s Complaint of Infringement of the ’068 Patent are hereby **DISMISSED WITHOUT PREJUDICE**. Further, the Court **ORDERS** that Samsung’s Fifth Counterclaim of Non-infringement of the ’557 Patent, Sixth Counterclaim of Invalidity of the ’557 Patent, Ninth Counterclaim of Non-infringement of the ’068 Patent, and Tenth Counterclaim of Invalidity of the ’068 Patent are hereby **DISMISSED WITHOUT PREJUDICE**.

In light of the above, and as detailed in the Notice, the following motions currently pending before the Court are rendered moot in whole or in part. Accordingly, the Court **DENIES** Samsung’s Motion to Strike Opinions of Dr. Timothy Swager (Dkt. No. 117) and Samsung’s Brief in Support of Its Motions for Summary Judgment of Non-Infringement of and No Damages Based on U.S. Patent No. 9,680,068 (Dkt. No. 118) as **MOOT**. Further, Samsung’s Motion to Exclude Certain Opinions of Dr. Brandi Cossairt (Dkt. No. 115) is **DENIED AS MOOT** solely as to the arguments related to the ’557 Patent. Finally, Samsung’s Motion for Summary Judgment of Non-Infringement of U.S. Patent Nos. 7,588,828; 7,803,423; 7,867,557; and 8,524,365 (Dkt. No. 119) is **DENIED AS MOOT** solely as to the arguments related to the ’557 Patent.

The Clerk of the Court is directed to **MAINTAIN AS OPEN** the above-captioned case because parties and claims remain.

So Ordered this

Aug 12, 2022



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE